UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,017	07/16/2003	David Heller	101-P288/P3054US1	1693

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EXAMINER
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ART UNIT	PAPER NUMBER
2442	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/622,017	HELLER ET AL.
	Examiner	Art Unit	
	JEFFREY NICKERSON	2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *08 February 2010*.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-4,6,9,10,13-16 and 18-46* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-4,6,9,10,13-16 and 18-46* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

1.   This communication is in response to Application No. 10/622,017 filed on 16 July

2003. The response presented on 08 February 2010, which amends claims 1, 4, 13, 15,

23, 27, 36, 40, adds claims 43-46, and presents arguments, is hereby acknowledged.

Claims 1-4, 6, 9-10, 13-16, and 18-46 are currently pending and have been examined.

Claim Objections

2.   Applicant's amendment and arguments, presented in the response dated 08

February 2010, are noted. All outstanding objections to the claims are hereby

withdrawn. However, new claim objections may appear below.

3.   Claim 22 is objected to under 37 CFR 1.75(c), as being of improper dependent

form for failing to further limit the subject matter of a previous claim. Applicant is

required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper

dependent form, or rewrite the claim(s) in independent form.

Regarding claim 22, this claim contains limitations amended into claim 15.

35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

Response to Arguments

5.   Applicant's amendments and arguments, presented in the response dated 08

February 2010, have been fully considered and are persuasive. All outstanding

rejections under 35 USC 112, second paragraph, are hereby withdrawn.

35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Response to Arguments

7.   Applicant's amendments and arguments, presented in the response dated 08

February 2010, have been fully considered and are not persuasive.

Independent claims 1, 15, and 27

Applicant argues the combined teachings of Bowker and Dunning fail to render obvious

at least one limitation in these claim. Specifically, applicant argues the combined

teachings fail to render obvious the following:

> *"accessing, by a second application program, a data communication file provided*
>
> *by the first application program, the data communication file having a*

predetermined format known by the second application program, the first

application program utilizing media information about one or more media content

files in a proprietary format, and the data communication file being derived from

the media information such that data internal to the data communication file is

acquired from the media information".

The examiner respectfully disagrees. Bowker is directed towards a general

export/import tool for databases. Bowker allows exporting, by a first application

program, the database information as an XML formatted file, by default (Bowker: Figure

6; col 5, lines 45-56). Thus Bowker teaches a first application program utilizing media

information about one or more media content files in a proprietary format, the data

communication file being derived from the media information such that data internal to

the data communication file is acquired from the media information. Bowker also

teaches the use of an importing, by a second application program, the database

information from the known XML formatted file (Bowker: Figure 10; col 6, lines 44-53).

Thus Bowker further teaches accessing, by a second application program, a data

communication file provided by the first application program, the data communication

file having a predetermined format known by the second application program. With

specific regard to the file being of predetermined format known to the second

application, applicant has not indicated with what the determination priors before. A

user may preconceive they want to export/import using XML prior to starting the claimed

method. Furthermore, the XML format is known by the second application, as it is capable of reading it and identifying the tagged data objects.

Applicant further argues the combined teachings of Bowker and Dunning fails to render obvious the following:

> "wherein the data within the data communication file includes at least media item properties for media items and includes links to storage locations for media content files containing media content for the media items".

The examiner respectfully disagrees. Dunning teaches the use of publishing emails on a periodic basis, the emails containing information describing media in a database and containing links to media in the database (Dunning: [0141]-[0142], [0156]). Thus Dunning provides for wherein the data communication file (the email) includes at least media item properties for media items and includes links to storage locations for media content files containing media content for the media items.

Applicant's arguments were ultimately unpersuasive and, therefore, the rejections of these claims are hereby maintained.

Dependent claims 2-6, 8-14, 16-26, 28-42

Applicant argues these claims conditionally based upon the arguments presented for their parent claim(s).

Applicant's arguments were ultimately unpersuasive and, therefore, the rejections of
these claims are hereby maintained.

Claim Rejections

8.   Claims 1-4, 6, 9-10, 13-16, 18-37, and 39-42 are rejected under 35 U.S.C. 103(a)
as being unpatentable over Bowker et al (US 6,601,071 B1), and in further view of
Dunning et al (US 2002/0082901 A1).

Regarding claim 1, Bowker teaches a method for sharing data between application
programs operating on at least one computer system, the computer system having a
display and a data storage device (Bowker: abstract; Figure 15), said method
comprising:

storing, by a first application program, one or more data records in the data
storage device (Bowker: abstract; Figure 15; col 1, line 21 – col 2, line 46);

accessing, by a second application program, a data communication file provided
by the first application program (Bowker: col 4, line 5 – col 6, line 11 for export tool), the
data communication file having a predetermined format known by the second
application (Bowker: Figures 10-12; col 6, lines 44 - col 7, line 23 provides the import
tool knows the XML format), the first application program utilizing information about one
or more data records in a proprietary format, and the data communication file being
derived from the information such that data internal to the data communication file is

acquired from the information (Bowker: abstract; Figures 8-14 depict the importing; see also col 6, line 11 – col 8, line 54);

producing, by the second application program, a user interface on the display using data internal to the data communication file (Bowker: Figures 8-14; col 6, line 11 – col 8, line 54);

receiving a user selection with respect to the user interface produced on the display (Bowker: Figures 8-14; col 6, line 11 - col 8, line 54);

identifying a data record associated with the user selection (Bowker: Figures 11-12; col 6, line 54 – col 8, line 28);

playing or displaying, within the second application program on the computer system, content from the data record identified by the user selection to the second application program (Bowker: Figure 14; col 8, lines 36 – 49).

Bowker does not teach wherein the data records are media content files;

wherein the information is media information; or

wherein the data within the data communication file includes at least media item properties for media items and includes links to storage locations for media content files containing media content for the media items.

Dunning, in a similar field of endeavor, teaches wherein the data records are media content files (Dunning: [0087]);

wherein the information is media information (Dunning: [0087]); and

wherein the data within the data communication file includes at least media item properties for media items and includes links to storage locations for media content files containing media content for the media items (Dunning: [0141]-[0142], [0156]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Dunning for using a music/media environment. The teachings of Dunning, when implemented in the Bowker system, will allow one of ordinary skill in the art to publish/export a database of music data to xml and import to another database. One of ordinary skill in the art would be motivated to utilize the teachings of Dunning in the Bowker system in order to apply the system into an environment of which many computer users partake.

Regarding claim 2, the Bowker/Dunning system teaches wherein the data within the data communication file includes a link to the media content file (Dunning: [0141] provides for hyperlink use).

Regarding claim 3, the Bowker/Dunning system teaches wherein the associated media content file is thereafter useable by the second application program (Bowker: Figure 14 and col 8, lines 36-50 provide the original data is available at second database; Dunning: [0205]-[0206]).

Regarding claim 4, the Bowker/Dunning system teaches wherein said playing or displaying comprises presenting the media content file at the computer system (Bowker: Figure 14; Dunning: [0205]).

Regarding claim 6, the Bowker/Dunning system teaches wherein the user interface includes at least a menu of media items determined from data acquired from the data communication file provided by the first application (Bowker: Figures 11-12 provide for menu of multiple data items when importing; Dunning: [0294]-[0295]).

Regarding claim 9, the Bowker/Dunning system teaches wherein the data communication file is a markup language document (Bowker: abstract).

Regarding claim 10, the Bowker/Dunning system teaches wherein the markup language document is an XML document (Bowker: abstract).

Regarding claim 13, the Bowker/Dunning system teaches wherein said producing, said receiving, said identifying, and said associating are each able to be performed regardless of whether the first application is being executed by the computer system (Dunning: [0205]-[0206], [0300]).

Regarding claim 14, the Bowker/Dunning system teaches wherein said first application program is a music manager and player, and wherein said second program is an image or video manager and viewer (Dunning: [0300], Figure 17).

Regarding claims 15, this computer readable medium claim contains limitations found within that for claim 1 and the same rationale of rejection is used, where applicable.

Regarding claims 16, this computer readable medium claim contains limitations found within that for claims 2 and 3, and the same rationale of rejection is used, where applicable.

Regarding claims 18, this computer readable medium claim contains limitations found within that for claim 6 and the same rationale of rejection is used, where applicable.

Regarding claims 19, this computer readable medium claim contains limitations found within that for claim 9 and the same rationale of rejection is used, where applicable.

Regarding claims 20, this computer readable medium claim contains limitations found within that for claim 10 and the same rationale of rejection is used, where applicable.

Regarding claims 21, this computer readable medium claim contains limitations found within that for claim 1 and the same rationale of rejection is used, where applicable.

Regarding claims 22, this computer readable medium claim contains limitations found within that for claim 15 and the same rationale of rejection is used, where applicable.

Regarding claims 23, this computer readable medium claim contains limitations found within that for claim 13 and the same rationale of rejection is used, where applicable.

Regarding claims 24, this computer readable medium claim contains limitations found within that for claims 14 and 1, and the same rationale of rejection is used, where applicable.

Regarding claims 25, this computer readable medium claim contains limitations found within that for claim 1 and the same rationale of rejection is used, where applicable.

Regarding claims 26, this computer readable medium claim contains limitations found within that for claim 1 and the same rationale of rejection is used, where applicable.

Regarding claim 27, this system claim contains limitations corresponding to that of claim 1 and the same rationale of rejection is used, where applicable.

Regarding claim 28, this system claim contains limitations found within that of claim 1 and the same rationale of rejection is used, where applicable.

Regarding claim 29, this system claim contains limitations found within that of claim 1

and the same rationale of rejection is used, where applicable.

Regarding claim 30, this system claim contains limitations found within that of claim 1

and the same rationale of rejection is used, where applicable.

Regarding claim 31, this system claim contains limitations found within that of claim 9

and the same rationale of rejection is used, where applicable.

Regarding claim 32, this system claim contains limitations found within that of claim 10

and the same rationale of rejection is used, where applicable.

Regarding claim 33, this system claim contains limitations found within that of claim 6

and the same rationale of rejection is used, where applicable.

Regarding claim 34, this system claim contains limitations found within that of claim 6

and the same rationale of rejection is used, where applicable.

Regarding claim 35, this system claim contains limitations found within that of claim 1

and the same rationale of rejection is used, where applicable.

Regarding claim 36, this system claim contains limitations found within that of claims 1 and 42 and the same rationale of rejection is used, where applicable.

Regarding claim 37, this system claim contains limitations found within that of claim 42 and the same rationale of rejection is used, where applicable.

Regarding claim 39, the Bowker/Dunning system teaches wherein the first application program and the second application program operate on the same computer (Dunning: [0300] provides the media player can both export and import).

Regarding claim 40, the Bowker/Dunning system teaches wherein the first application program is a media management application (Dunning: [0300]).

Regarding claim 41, the Bowker/Dunning system teaches wherein the data communication file is automatically produced by the first application program (Dunning: [0300]; Bowker: Figure 6; col 5, lines 29-43).

Regarding claim 42, the Bowker/Dunning system teaches wherein the first application program automatically updates the data communication file when the media information utilized by the first application program changes (Dunning: [0207] provides for auto-updating pages based on play logs changing).

9.   Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bowker

et al (US 6,601,071 B1), in view of Dunning et al (US 2002/0082901 A1), and in further

view of Berry et al (US 6,018,341).

Regarding claim 38, the Bowker/Dunning system teaches wherein an action performed

automatically is the first application program updating the data communication file

(Dunning: [0207] for auto-updating; Bowker: col 4, line 5 – col 6, line 11 for comm. file).

The Bowker/Dunning system does not teach wherein an action is performed

automatically when a user interface window associated with a specific program is

context switched into the foreground position.

Berry, in a similar field of endeavor, teaches wherein an action is performed

automatically when a user interface window associated with a specific program is

context switched into the foreground position (Berry: abstract; Figure 7, items 706 into

708; col 8, lines 12-33).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to utilize the teachings of Berry for performing an automated action

after a window is focused into the foreground. The teachings of Berry, when

implemented in the Bowker/Dunning system, will allow one of ordinary skill in the art to

auto-update the exported communication file after a particular program window is

focused to the foreground. One of ordinary skill in the art would be motivated to utilize

the teachings of Berry in the Bowker/Dunning system in order to ensure the

communication file is up-to-date when a user indicates intent to use it.

10.   Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bowker

et al (US 6,601,071 B1), in view of Dunning et al (US 2002/0082901 A1), and in further

view of Heath et al (US 6,006,034).

Regarding claim 43, the Bowker/Dunning system teaches wherein a periodically

updating file is the data communication file (Dunning: [0141], [0156]-[0157]).

The Bowker/Dunning system does not teach wherein a delay timer is used to

regulate the frequency at which updates to the periodically updating file occur.

Heath, in a similar field of endeavor, teaches wherein a delay timer is used to

regulate the frequency at which updates to the periodically updating file occur (Heath:

col 2, lines 45-63).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to utilize the teachings of Heath for using a timer for managing

periodic updates. The teachings of Heath, when implemented in the Bowker/Dunning

system, will allow one of ordinary skill in the art to auto-update the exported

communication file after a particular amount of time had passed. One of ordinary skill in

the art would be motivated to utilize the teachings of Heath in the Bowker/Dunning

system in order to ensure the communication file is up-to-date on a fairly regular basis.

11.   Claims 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Bowker et al (US 6,601,071 B1), in view of Dunning et al (US 2002/0082901 A1), and in

further view of Chow et al (US 6,029,175).

Regarding claim 44, the Bowker/Dunning system teaches wherein the content of the file

is media information about one or more media content files (Dunning: [0087]).

The Bowker/Dunning system does not teach determining whether the content in

the file has changed at the first application program;

setting an update flag to signal an application that the file should be updated; or

limiting the frequency at which updates to the file occur.

Chow, in a similar field of endeavor, teaches determining whether the content in the file

has changed at the first application program (Chow: col 6, lines 1-15);

setting an update flag to signal an application that the file should be updated

(Chow: col 11, line 55 – col 12, line 12 provides for setting an update flag if the updating

service should be used); and

limiting the frequency at which updates to the file occur (Chow: col 12, lines 13-

24 provides for updating the client's version only on timed interval).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to utilize the teachings of Chow for using identifying updated

content and limiting frequency of updates. The teachings of Chow, when implemented

in the Bowker/Dunning system, will allow one of ordinary skill in the art to auto-update

the exported communication file after a particular amount of time had passed and the

content had changed. One of ordinary skill in the art would be motivated to utilize the

teachings of Chow in the Bowker/Dunning system in order to ensure the communication

file is up-to-date on a fairly regular basis.

Regarding claim 45, the Bowker/Dunning/Chow system teaches wherein the limiting

uses a delay timer limiting the frequency at which updates to the data communication

file occur (Chow: col 12, lines 13-24 provide for update interval).

Regarding claim 46, this claim contains limitations found within that of claims 44 and 42,

and the same rationale of rejection is used, where applicable.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY NICKERSON whose telephone number is (571)270-3631. The examiner can normally be reached on M-Th, 9:00am - 7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Philip Lee can be reached on (571)272-3967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. N./
Examiner, Art Unit 2442

/Philip C Lee/
Acting Supervisory Patent
Examiner, Art Unit 2442